

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

United States of America,

Plaintiff,

vs.

Cherron Marie Phillips,

Defendant.

Case No. 12-cr-872-1

10-14-2014
FILED
 OCT 14 2014
 THOMAS G. BRUTON
 CLERK, U.S. DISTRICT COURT

**(Revised) Notice Regarding Imposition of Potential
Terms and Conditions of Supervised Release**

At sentencing, the Court intends to impose the following "check-marked" conditions of supervised releases or alter or delete one or more of them. The Court may impose additional conditions after consultation with probation and after the parties have had an opportunity to be heard.

Any objection to one or more of these conditions is due the same time objections to the PSR are due to be filed. Objections to these conditions shall be electronically filed in the Court's cm/ecf system, separate from objections to the PSR. When filing objections to the conditions of supervised release, counsel should use the generic docking even "objections" event and link to the notice.

MANDATORY CONDITIONS

- ☒ 1) Defendant must report to the probation office in the district to which Defendant is released within 72 hours of release from the custody of the Bureau of Prisons.
- ☒ 2) Defendant shall not commit another federal, state or local crime.
- ☐ 3) Defendant shall not unlawfully possess a controlled substance. Defendant shall refrain from any unlawful use of a controlled substance. Defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, not to exceed 52 tests in a one-year period.
 - The above drug testing condition may be suspended, if the Court determines at sentencing that Defendant poses a low risk of future substance abuse.

MANDATORY CONDITIONS IF APPLICABLE

- ☒ 4) Defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

- ☒ 5) Defendant shall cooperate in the collection of DNA as directed by the probation officer.
- ☒ 6) If the judgment imposes a fine, administrative fee and/or restitution, Defendant shall pay them and they are due and payable immediately. If Defendant is unable to pay them immediately any amount remaining unpaid when supervised release commences will become a condition of supervised release and must be paid in accord with the Schedule of Payments sheet of the judgment.
- ☐ 7) Defendant shall comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in which he or she resides, works, is a student, or was convicted of a qualifying offense.
- ☐ 8) Defendant shall participate in an approved program for domestic violence.

STANDARD CONDITIONS OF SUPERVISION

- ☒ 9) Defendant shall not leave the judicial district without the permission of the court or probation officer;
- ☒ 10) Defendant shall report to the probation officer in a manner and frequency directed by the Court or probation officer;
- ☒ 11) Defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- ☒ 12) Defendant shall support his or her dependents and meet other family responsibilities;
- ☒ 13) Defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- ☒ 14) Defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- ☒ 15) Defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- ☒ 16) Defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- ☒ 17) Defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- ☒ 18) Defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- ☒ 19) Defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- ☒ 20) Defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the Court; and
- ☒ 21) As directed by the probation officer, Defendant shall notify third parties of risks that may be occasioned by Defendant's criminal record or personal history or characteristics and

shall permit the probation officer to make such notifications and to confirm Defendant's compliance with such notification requirement.

SPECIAL CONDITIONS

Assessment/Treatment/Counseling Conditions

☐ 22) Substance Abuse Treatment

Due to Defendant's substance abuse history, Defendant shall participate, as directed and approved by the probation officer, in treatment for narcotic addiction, drug dependence, or alcohol dependence, which includes urinalysis and/or other drug detection measures and which may require residence and/or participation in a residential treatment facility, the number of drug tests shall not exceed 52 tests in a one-year period. Any participation will require complete abstinence from all alcoholic beverages and any other substances for the purpose of intoxication. Defendant shall pay for the costs associated with services rendered, based on a Court approved sliding fee scale as directed by the probation officer. Defendant's financial obligation shall never exceed the total cost of services rendered.

☐ 23) Defendant shall abstain from the use and/or possession of all alcoholic beverages and any other substances for the purpose of intoxication. Defendant shall not enter or patronize establishments where intoxicants are the primary item of sale, such as bars, lounges, and night clubs.

☐ 24) Mental Health Treatment

Due to concerns related to Defendant's mental health as related in paragraph 136 of the Presentence Report, Defendant shall participate in a program of mental health treatment, which may include participation in treatment for anger management, domestic violence, cognitive skills, or other forms of therapy or counseling that may be recommended, as directed by the probation officer. This may include a mental health assessment and/or psychiatric evaluation. This may require participation in a medication regimen prescribed by a licensed practitioner, at the direction of the probation officer. Defendant shall pay for the costs associated with services rendered, based on a Court approved sliding fee scale as directed by the probation officer. Defendant's financial obligation shall never exceed the total cost of services rendered.

☒ 25) Cognitive Behavioral Evaluation and Treatment

As the Court believes Defendant's history indicates the need for a cognitive behavioral evaluation to identify any risk associated with criminal thinking, he/she shall complete such an evaluation and comply with treatment as recommended by the evaluation. Defendant shall pay for the costs associated with services rendered, based on a Court approved sliding fee scale as directed by the probation officer. Defendant's financial obligation shall never exceed the total cost of services rendered.

☐ 26) Life Skills Counseling

As the Court believes Defendant would benefit from life skills counseling which may include marital counseling, credit counseling, financial counseling, parenting skills counseling, or other forms of counseling as directed by the probation officer.

☐ 27) GED/Work Force Development

As Defendant is not educationally or vocationally prepared to enter the workforce, they shall participate in any program deemed appropriate to improve job readiness skills, which may include participation in a GED program or Workforce Development Program, as directed by the probation officer.

☐ 28) Gambling

As the Court believes Defendant is in need of treatment for gambling, Defendant shall participate as directed and approved by the probation officer, in treatment for gambling addiction, which may include participation in a treatment facility and/or a support group. Defendant shall pay for the costs associated with services rendered, based on a Court approved sliding fee scale as directed by the probation officer. Defendant's financial obligation shall never exceed the total cost of services rendered.

Deportable Reporting

☐ 29) The term of supervised release shall be non-reporting if Defendant is deported, removed, or voluntarily leaves the United States.

☐ 30) Upon removal, deportation, or voluntary departure from the United States, the Defendant shall not re-enter the United States illegally and shall obtain the express written permission and approval of the United States Attorney General, his successor, or the designee of the Secretary of the Department of Homeland Security as a condition of re-entry. Defendant shall not illegally remain in the United States following an order of deportation or removal.

☐ 31) If Defendant re-enters the United States either legally or illegally, Defendant will report to the nearest United States Probation Office within 72 hours of re-entry. If Defendant is not deported or is released on a bond by U.S. Immigration and Customs Enforcement, Defendant shall report as directed to the United States Probation Office.

Employment

☐ 32) Defendant shall not engage in any occupation that involves fiduciary responsibility while on supervision.

☐ 33) Defendant shall obtain prior approval from the probation officer before entering into any self-employment.

☐ 34) Employment Restriction - Telemarketing

Defendant shall not be engaged in any business that offers securities, investments, or business opportunities to the public. Defendant is further prohibited from engaging in telemarketing, direct mail, or national advertising campaigns for business purposes without permission of the probation officer.

Financial

☒ 35) Defendant shall provide the probation officer and the Financial Litigation Unit of the United States Attorney's Office with access to any requested financial information. Defendant is advised that the probation office may share financial information with the Financial Litigation Unit.

- ☐ 36) Defendant shall not incur new credit charges or open additional lines of credit without the approval of the probation officer.
- ☒ 37) Defendant shall apply all monies received from income tax refunds, lottery winnings, judgments, and/or any other anticipated or unexpected financial gains to the outstanding court-ordered financial obligation. Defendant shall immediately notify the probation officer of the receipt of any indicated monies.
- ☐ 38) Defendant shall not open additional checking, savings, or money market accounts, or acquire any stocks, bonds, or other financial account instruments without the approval of the probation officer.

Other/Miscellaneous Conditions

- ☐ 39) Gambling
Defendant shall not gamble or enter any facility where gambling is the primary business. Defendant shall sign a "self exclusion" form with gaming facilities in the state of residence and any adjoining states where legalized gambling is permitted, as directed by the probation officer. This form is a voluntary agreement to be temporarily banned from the facilities and the agreement is irrevocable during the period of supervision.
- ☐ 40) Tax
Defendant shall cooperate fully with the Internal Revenue Service in determining and paying any tax liabilities. Defendant shall provide to the Internal Revenue Service all requested documents and information for purposes of any civil audits, examinations, collections, or other proceedings. It is further ordered that Defendant shall file accurate income tax returns and pay all taxes, interest, and penalties due and owing by him/her to the Internal Revenue Service.
- ☐ 41) Passport
Defendant shall surrender any passports owned to the probation officer within 24 hours, or as soon as practical. Defendant shall not apply for any new passports until released from supervision or otherwise approved by the Court.

Search - Non-Sex Offender

- ☐ 42) General Search
Because a firearm was found in defendant's premises and she did not have a FOID card, Defendant shall submit his/her person, residence, real property, place of business, vehicle, and any other property under his/her control to a search, conducted by any United States Probation Officer and such other law enforcement personnel as the probation officer may deem advisable and at the direction of the United States Probation Officer, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release, without a warrant. Failure to submit to such a search may be grounds for revocation. Defendant shall inform any other residents that the premises and other property under Defendant's control may be subject to a search pursuant to this condition.
- ☐ 43) General Search with Basic Cyber Search
Defendant shall submit his/her person, residence, real property, place of business, computer, electronic communication and data storage device or media, vehicle, and any other property

under his/her control to a search, conducted by any United States Probation Officer and such other law enforcement personnel as the probation officer may deem advisable and at the direction of the United States Probation Officer, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release, without a warrant. Failure to submit to such a search may be grounds for revocation. Defendant shall inform any other residents that the premises and other property under Defendant's control may be subject to a search pursuant to this condition.

☒ 44) General Search with Cyber Search and Monitoring

Defendant shall submit his/her person, residence, real property, place of business, vehicle, and any other property under his/her control to a search, conducted by any United States Probation Officer and such other law enforcement personnel as the probation officer may deem advisable and at the direction of the United States Probation Officer, at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of release, without a warrant. Failure to submit to such a search may be grounds for revocation. Defendant shall inform any other residents that the premises and other property under Defendant's control may be subject to a search pursuant to this condition.

Defendant shall permit the probation officer to have access to any personal computer and/or electronic device capable of accessing the Internet, World Wide Web, and Electronic Mail. Defendant shall also allow the probation officer or designee to conduct regular searches of his computer and/or electronic device using software monitoring devices if determined necessary by the probation officer. Defendant shall advise the probation officer of all e-mail addresses used on both public and private computers. Defendant shall consent to third-party disclosure to any employer or potential employer, concerning any computer-related restrictions that may be imposed. Defendant shall inform other residents or occupants of his home that computer systems accessed by Defendant will be subject to inspection by the probation officer and/or authorized contractor.

Sex Offense Conditions

☐ 45) Sex Offender Treatment and Search

Defendant shall participate in an approved sexual offender treatment program, as directed by the probation officer. If deemed necessary, Defendant shall submit to an approved, sexual-predator evaluation, as directed by the probation officer. Defendant shall abide by all rules, requirements, and conditions of the treatment program, including submission to polygraph and/or plethysmograph examination to determine compliance with the conditions of release. Defendant shall remain in the program until successfully completed, or until such time as Defendant is released from the program by the Court and/or probation officer. Defendant shall pay for the costs associated with services rendered, based on a Court-approved sliding fee scale as directed by the probation officer. Defendant's financial obligation shall never exceed the total cost of services rendered.

Defendant shall refrain from accessing any "material" that relates to the activity in which Defendant was engaged in during the commission of the instant offense, via any personal

computer and/or electronic device capable of accessing the Internet, World Wide Web, and Electronic Mail.

Defendant shall permit the probation officer to have access to any personal computer and/or electronic device capable of accessing the Internet, World Wide Web, and Electronic Mail. Defendant shall also allow the probation officer or designee to conduct regular searches of his computer and/or electronic device using software monitoring devices if determined necessary by the probation officer. Defendant shall advise the probation officer of all e-mail addresses used on both public and private computers. Defendant shall consent to third-party disclosure to any employer or potential employer, concerning any computer-related restrictions that may be imposed. Defendant shall warn other residents or occupants of his home that computer systems will be subject to inspection by the probation officer and/or authorized contractor.

Defendant shall submit to a search, at any time, with or without a warrant, and by any law enforcement or probation officer, of Defendant's person and any property, house, residence, vehicle, papers, computer, other electronic communication or data storage devices or media, and effects, upon reasonable suspicion concerning a violation of a condition of supervision or unlawful conduct by Defendant, or by any probation officer in the lawful discharge of the officer's supervision functions. Failure to submit to a search may be grounds for revocation. Defendant shall inform any other residents that the premises may be subject to a search pursuant to this condition.

☐ 46) Polygraph (Sex Offender)

If successfully terminated from sex offender counseling prior to expiration of supervised release, Defendant shall submit to polygraph examinations as directed by the probation officer.

☐ 47) Photographic/Video Equipment

Defendant shall not possess or use electronic devices capable of taking photographs or videos.

☐ 48) Social Media

Defendant is prohibited from activity in social media sites, internet chat rooms, and internet forums.

☐ 49) Contact Restrictions Sex Offender

Based on the nature of the offense/Defendant's history, he/she shall not have any contact with persons under the age of 18 unless in the presence of a responsible adult who is aware of the nature of Defendant's background and instant offense and who has been approved by the probation officer.

☐ 50) Defendant shall not affiliate with, own, control, and/or be employed in any capacity by a business, organization, and/or volunteer activity that causes him/her to regularly contact persons under the age of 18.

☐ 51) Sex Offender Assessment/Treatment

Based on the offense/Defendant's history, he/she shall submit to a sex offender assessment and if recommended in the assessment, comply with sex offender-specific treatment.

☒ 52)Defendant shall cooperate in the preparation, execution and filing of all documents necessary to remove any liens or encumbrances she has filed or assisted in filing against any victim in this case, including Andre Thompson and Noel Sanchez.

☒ 53)Defendant shall pay restitution to any victim, including Andre Thompson and Noel Sanchez, for expenses incurred in clearing liens or encumbrances she has filed or assisted in filing against them.

☒ 54)Defendant shall not file any claims, liens, encumbrances, choses in action or lawsuits without first obtaining leave of court to do so.

DATED: October 14, 2014

Michael J. Reagan, U.S. District Judge